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### **§ 441e. Contributions and donations by foreign nationals**

*Release date: 2003-11-07*

#### **(a) Prohibition**

It shall be unlawful for—

**(1)** a foreign national, directly or indirectly, to make—**(A)** a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;**(B)** a contribution or donation to a committee of a political party; or**(C)** an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 434 (f)(3) of this title); or**(2)** a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.

#### **(b) "Foreign national" defined**

As used in this section, the term "foreign national" means—

**(1)** a foreign principal, as such term is defined by section 611 (b) of title 22, except that the term "foreign national" shall not include any individual who is a citizen of the United States; or**(2)** an individual who is not a citizen of the United States or a national of the United States (as defined in section 1101 (a)(22) of title 8) and who is not lawfully admitted for permanent residence, as defined by section 1101 (a)(20) of title 8.*Search this title:*  
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No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

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### § 611. Definitions

*Release date: 2004-09-20*

As used in and for the purposes of this subchapter—

- (a) The term “person” includes an individual, partnership, association, corporation, organization, or any other combination of individuals;
- (b) The term “foreign principal” includes—
- (1) a government of a foreign country and a foreign political party;
  - (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
  - (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.
- (c) Expect <sup>[1]</sup> as provided in subsection (d) of this section, the term “agent of a foreign principal” means—
- (1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person—
    - (i) engages within the United States in political activities for or in the interests of such foreign principal;
    - (ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;
    - (iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or

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(a) As used in this chapter—

(1) The term “administrator” means the official designated by the Secretary of State pursuant to section 1104 (b) of this title.

(2) The term “advocates” includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.

(3) The term “alien” means any person not a citizen or national of the United States.

(4) The term “application for admission” has reference to the application for admission into the United States and not to the application for the issuance of an immigrant or nonimmigrant visa.

(5) The term “Attorney General” means the Attorney General of the United States.

(6) The term “border crossing identification card” means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations. Such regulations shall provide that

(A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and

(B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.

(7) The term “clerk of court” means a clerk of a naturalization court.

(8) The terms “Commissioner” and “Deputy Commissioner” mean the Commissioner of Immigration and Naturalization and a Deputy Commissioner of Immigration and Naturalization,

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Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), or under section 4(a) of the Selective Service Act of 1948, as amended (62 Stat. 605; 65 Stat. 76) [50 App. U.S.C. 454 (a)], or under any section of this chapter, or any other Act, or under any law amendatory of, supplementary to, or in substitution for, any of such sections or Acts.

**(20)** The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

**(21)** The term "national" means a person owing permanent allegiance to a state.

**(22)** The term "national of the United States" means

**(A)** a citizen of the United States, or

**(B)** a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

**(23)** The term "naturalization" means the conferring of nationality of a state upon a person after birth, by any means whatsoever.

**(24)** Repealed. Pub. L. 102-232, title III, § 305(m) (1), Dec. 12, 1991, 105 Stat. 1750.

**(25)** The term "noncombatant service" shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.

**(26)** The term "nonimmigrant visa" means a visa properly issued to an alien as an eligible nonimmigrant by a competent officer as provided in this chapter.

**(27)** The term "special immigrant" means—

**(A)** an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

**(B)** an immigrant who was a citizen of the United States and may, under section 1435 (a) or 1438 of this title, apply for reacquisition of citizenship;

**(C)** an immigrant, and the immigrant's spouse and children if accompanying or following to join the immigrant, who—

**(i)** for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;